



OFFICE OF THE

DISTRICT ATTORNEY

ORANGE COUNTY, CALIFORNIA

TONY RACKAUCKAS, DISTRICT ATTORNEY

CHARLES MIDDLETON
CHIEF ASSISTANT D.A.

JIM TANIZAKI
SENIOR ASSISTANT D.A.
FELONY OPERATIONS 1

WILLIAM FECCIA
SENIOR ASSISTANT D.A.
FELONY OPERATIONS 2

DAVID HIMELSON
SENIOR ASSISTANT D.A.
BRANCH COURT OPERATIONS

DONALD BLANKENSHIP
CHIEF
BUREAU OF INVESTIGATION

LISA BOHAN - JOHNSTON
DIRECTOR
ADMINISTRATIVE SERVICES

May 2, 2004

As Orange County's district attorney for five years, a judge for nine and a line prosecutor for 15, I believe the current "three strikes" law is the most effective tool in identifying and prosecuting the most serious and violent career criminals who refuse to rehabilitate. The new "reform" advocated by your editorial April 18 ["Three-strikes progress"] will return dangerous felons back onto the street.

The current "three strikes" law has a successful 10-year track record of keeping our community safe. The FBI reported that with "three strikes," California's crime rate has decreased by almost 33 percent while it's population increased by 33 percent. The rest of the country only had a reduction of 13 percent in crime. The author of the current law, Mike Reynolds, states that two million Californians have been spared from becoming victims and Californians have saved \$28.5 billion in pain and suffering because of the "three strikes" system.

This new reform is being characterized as a compassionate law that would prevent injustices in sentencing while saving taxpayers money. The "reform" is in fact a Trojan horse supported by families of felons, criminal defense attorneys and social liberals. This misplaced compassion for felons would roll back California's attempt to punish and incarcerate people who have earned their way to prison. Under the "reform," six serious felonies would no longer be "strikes," including residential burglaries, criminal threats, felony gang crimes and some felonies where great bodily injuries are inflicted. It would require the "third strike" to be serious or violent, no matter how heinous the priors may have been. The new law would also exclude an individual one day from his 18th birthday from earning a "strike" for kidnapping or assaulting with the intent to rape an elderly or disabled person.

Here is a real, recent Orange County example. A parolee was charged for transporting methamphetamine and possessing a loaded handgun. Under the new law, he would not be eligible for "three strikes," even though this man had been to state prison five separate times for crimes including involuntary manslaughter and assault with a dangerous weapon. The judge who sentenced him stated that he was "just the sort of defendant for whom the three strikes law was created." He received 34 years to life instead of the 8-year maximum he might have received under the proposed new law.

Your editorial states that the initiative "should save California taxpayers \$700,000 a year, which should be welcome during a budget crisis." This is simply a fallacy. Not a single new prison has been built during the last 10 years since "three strikes" was enacted. In fact, fewer people are currently being incarcerated. Furthermore, according to the California legislative analyst, the new law would apply

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

WEB PAGE: <http://www.oc.ca.gov/da/>

MAIN OFFICE
401 CIVIC CENTER DR W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3600

NORTH OFFICE
1275 N. BERKELEY AVE.
FULLERTON, CA 92631
(714) 773-4480

WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 896-7261

SOUTH OFFICE
30143 CROWN VALLEY PKWY.
LAGUNA NIGUEL, CA 92677
(949) 249-5026

HARBOR OFFICE
4601 JAMBOREE BLVD
NEWPORT BEACH, CA 92663
(949) 476-4650

JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 935-7624

CENTRAL OFFICE
700 CIVIC CENTER DR. W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3600

retroactively, so tens of millions of dollars would have to be spent by counties to reprocess and sentence most of these offenders. Three strikes almost did not pass until the brutal rape and murder of Polly Klaas. As a prosecutor and a father, I simply cannot put a price on keeping our community safe.

I am proud to join my fellow prosecutors in the California District Attorneys Association and public safety groups, such as Californians United for Public Safety, Mothers Against Drunk Driving, Crime Victims United of California and Prevent Child Abuse California in keeping the current three strikes law.

Tony Rackauckas
Orange County District Attorney